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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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CASCA, FRED A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,420

Applicant(s)

RINNE ET AL.

Examiner

FRED A. CASCA

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 02/10/2009. Claims 1-24 are pending in the present application. This **Action is made FINAL**.

Claim Rejections – 35 U.S.C. 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-12, 14-18, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by 3GPP TS 23.234 V6.0.0 2004-03 (hereinafter 3GPP).

Referring to claim 1, 3GPP discloses a method of arranging transmission of packet data in a system (figure 7.1) comprising a mobile terminal (figure 7.1, “UE”), a wireless local network and a mobile network (Fig. 6.2b and Fig. 7.1), the method comprising:

signaling, end-to-end service related parameters for communication between the mobile terminal and the wireless network (Figures 4.1, 6.2B and 7.1 and page 11, paragraph 5.1, lines 14-15 and page 12, lines 12-18),

communicating a resource authorization identifier to the mobile terminal (Fig. 4.1, Paragraph 5.1, lines 14-15 and page 12, lines 12-18, “WLAN Access Authorization”, “Access to 3GPP PS based services shall be provided via WLAN”),

transmitting the resource authorization identifier to the mobile network via the wireless local network (Fig. 4.1, Paragraph 5.1, lines 14-15 and page 12, lines 12-18, “WLAN Access Authorization”, “Access to 3GPP PS based services shall be provided via WLAN”, “secure tunneling”, and paragraph 5.2, lines 1-11, “WLAN Authentication signaling is executed between WLAN UE and 3GPP AAA server”),

receiving a request for authorization from the mobile network on the basis of the resource authorization identifier (Figure. 4.1 and paragraph 5.2, particularly page 13, lines 1-8, “After the authentication process succeeds ... the 3GPP AAA server to decide whether the access is allowed”),

sending an authorization response to bind a communication channel between the mobile terminal and the mobile network to an end-to-end data flow of the mobile terminal wherein the authorization response comprises identification information on the end-to-end data flow and tunnel identification information identifying the tunnel (Figure. 5.1, paragraphs 5.7.2, 5.12, Figure 6.1-6.1b, paragraph 6.2.3, figures 7.1 and 7.10).

Referring to claim 2, 3GPP discloses the method as claimed in claim 1, and further disclose transmitting at least one filter or gate parameter to the mobile network, the at least one filter or gate parameter is associated with the tunnel, and filtering or gating is arranged in the mobile network to/from the tunnel based on the association (Fig. 7.4).

Referring to claim 3, 3GPP discloses the method as claimed in claim 1, and further discloses the same tunnel between the mobile network and a network element of the mobile

network and utilizing the data transmission resources of the local network is used for signaling purposes and for user data transmission (Fig. 7.4).

Referring to claim 6, 3GPP discloses the method as claimed in claim 1, and further discloses the mobile network is a 3GPP network offering a packet-switched service comprising at least one network element supporting access, via a WLAN (Figures 6.1-6.1b and 7.1-7.10).

Referring to claim 7, 3GPP discloses the method as claimed in claim 1, and further discloses an association is arranged between the tunnel and a 3GPP-WLAN interworking system bearer (Figures 6.1-6.1b and 7.1-7.10).

Referring to claim 8, claim 8 defines a system reciting features analogous to the features defined by the method of claim 1 (as rejected above). Thus, 3GPP discloses all elements of claim 8 (please see the rejection of claim 1 above).

Referring to claims 9-12 and 14, claims 9-12 and 14 define a network reciting features analogous to the features defined by the method of claims 1-4 and 6 (as rejected above) respectively. Thus, 3GPP discloses all elements of claims 9-12 and 14 (please see the rejection of claims 1-4 and 6 above).

Referring to claims 15-17, claims 15-17 define a terminal and computer products reciting features analogous to the features defined by the method of claim 1 (as rejected above). Thus, 3GPP discloses all elements of claims 15-17 (please see the rejection of claim 1 above).

Referring to claim 18, 3GPP discloses a wireless terminal as claimed in claim 15, and further discloses the tunnel is used for signaling purposes and for user data transmission (Figures 6.1-6.1b and 7.1-7.10).

Claim 20 recite features analogous to the features of claim 18. Thus, 3GPP discloses all elements of claim 20 (please see the rejection of claim 18 above).

Claim 22 recites features analogous to the features of claim 1. Thus, 3GPP discloses all elements of claims 22 (please see the rejection of claim 1 above).

Claim 23 recites features analogous to the features of claim 21. Thus, 3GPP discloses all elements of claims 23 (please see the rejection of claim 21 above).

Referring to claim 24, 3GPP discloses a wireless system as claimed in claim 22, and further discloses wherein the signaling element is configured to transmit at least one filter or gate parameter to the wireless network, wherein the at least one filter or gate parameter is associated with the tunnel (Figures 7.1-7.10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP TS 23.234 V6.0.0 2004-03 (hereinafter 3GPP).

Referring to claim 4, 3GPP discloses the method as claimed in claim 1, and further discloses a first tunnel between the mobile terminal and a first network element of the mobile network is established for end-to-end service parameter signaling.

3GPP does not specifically disclose a second tunnel between the mobile terminal and a second network element of the mobile network is established for user data transmission after the reception of (resource authorization) identifier.

It would have been an obvious design choice to establish a second tunnel between the mobile terminal and a second network element of the mobile network is established for user data transmission after the reception of (resource authorization) identifier since the applicant has not disclosed whether the second tunnel resolves any stated problem or is for any particular purpose. And it seems like the first tunnel will serve the essential communication purposes between the mobile terminal and the mobile network.

Referring to claim 19, 3GPP discloses a wireless terminal as claimed in claim 15, and further discloses a first tunnel is established for end-to-end service parameter signaling (Figures 6.1-6.1b and 7.1-7.10).

3GPP does not specifically disclose a second tunnel for user data transmission after the reception of the resource authorization identifier.

It would have been an obvious design choice to modify 3GPP by establishing a second tunnel for user data transmission after the reception of the resource authorization identifier, since the applicant has not disclosed that having such additional tunnel solves any stated problems or is for any particular purpose and it appears that the establishing of the first tunnel would perform equally well any transmission of user data as suggested by 3GPP.

Claim 21 recites features analogous to the features of claim 19. Thus, 3GPP discloses all elements of claim 21 (please see the rejection of claim 19 above).

5. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP TS 23.234 V6.0.0 2004-03 (hereinafter 3GPP) further in view of Oba et al (US 2005/0163078).

Referring to claims 5 and 13, 3GPP discloses the method and network of claims 1 and 9.

The combination does not specifically disclose the tunnel between the mobile terminal and the mobile network is an IPSec tunnel, whereby the tunnel is established by utilizing an IKE (Internet Key Exchange) protocol.

In the field of endeavor, Oba discloses the tunnel between the mobile terminal and the mobile network is an IPSec tunnel, whereby the tunnel is established by utilizing an IKE (Internet Key Exchange) protocol ("IPsec tunnel for the new subnet is established by running IKE or IKEv2 over the latter IPsec tunnel").

It would have been obvious to one of ordinary skill in the art at the time of invention to modify 3GPP by incorporating the teachings of Oba as claimed, for the purpose of providing a Multicast/Broadcast Traffic system and taking advantage of an additional Firewalls/Intrusion Detection system, and thus providing a securer network.

Response to Arguments

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. With respect to finality, the examiner had used Haverinen et al in the non-Final action dated 08/29/2008; however, applicants had not challenged the validity of Haverinen in the amendments dated 09/11/2008, where independent claims had been amended. Therefore, as discussed during the interview conducted on Feb 23, 2009, the finality of office action dated 12/23/2008 is withdrawn and this **Action is made FINAL**.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ke et al (2003/0041266 A1) discloses that in order to have a secure channel, information such as tunnel identification would be provided and used so that a virtual system can be identified, thus a secure channel would be established (par. 52).

8. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED A. CASCA whose telephone number is (571)272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred Casca/

/VINCENT P. HARPER/
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